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Remarks:

*Amendments to the claims:*

In this paper, claims 2-6, and 14- 16 are cancelled, and all remaining claims are amended. No new matter is added to the application by this Amendment. Support for the features entered in amended claim 1 can be found within the present specification, as originally filed, at, for example, paragraphs [0010], [0015], [0024], [0018], [0022] and [0026], of U.S. Patent Publication No. 2006/0154850 (hereinafter "the 850 publication") for the present application.

*Regarding the rejection of claims 1-3 and 7-17 under 35 USC 102(b) as allegedly being anticipated by WO 01/78657 to McManus et al. (hereinafter "McManus"):*

Applicants traverse the Examiner's rejection of claims 1-3 and 7-17 as allegedly being anticipated by McManus.

The Examiner asserts that McManus discloses each and every feature recited in claims 1-3 and 7-17. Applicants respectfully disagree with this assertion.

Nowhere does McManus teach or suggest an encapsulated fragrance composition consisting essentially of a fragrance material encapsulated in a liquid crystal-forming material containing at least one fatty alcohol having at least 22 carbon atoms, wherein the liquid crystal-forming material additionally contains a reinforcing material as required by presently amended claim 1, which now limits the reinforcing material to be used to one or more of:

- "a) crystalline or partially crystalline polyethylene having a molecular weight less than 10,000 g/mol;
- b) poly(ethylene-b-ethylene oxide) copolymers having an ethylene oxide oxide level of lower than 80% and a molecular weight lower than 2500 g/mol;

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c) alginates optionally admixed with amphiphilic modified starches or dextrans having a 1% solution viscosity lower than 50 mPas when measured in water at 20 °C with a Brookfield viscometer having a spindle number 1 and operating at 60 rpm; and,  
d) sodium silicate combined with calcium, in which sodium silicate is added to the liquid-crystal-forming material and the cross-linking reaction is carried out in situ by post-addition of calcium chloride after the formation of the liquid-crystalline phase.”

Additionally, the present claim also requires that the selected reinforcing material be one which “...causes the encapsulated fragrance composition to exhibit a plateau region of the store elastic modulus higher than 10<sup>3</sup> Pascal at 25°C...”. Such features are not disclosed (or for that matter, even remotely suggested) by McManus. Instead, McManus is substantially directed to making skin-moisturizing compositions which necessarily comprise LCGN emulsions, which includes water, at least one cationic emulsifier, at least one low HLB emulsifier and at least one emollient (see page 4, lines 9-15 of McManus).

Because the features of the presently amended claims are neither taught nor suggested by McManus, McManus cannot anticipate, or render obvious the claimed invention as presented in this paper. Accordingly, reconsideration of the propriety of the rejection and withdrawal of the instant rejection of the claims under 35 USC 102(b) is respectfully requested.

*Regarding the rejection of claim 4 under 35 USC 102(b) as allegedly being anticipated by McManus when taken with U.S. Patent No. 5534265 to Fowler et al. (hereinafter “Fowler”):*

Applicants traverse the Examiner’s rejection of claim 4 as allegedly being anticipated by McManus and Fowler. The claim has been cancelled, and thus the current grounds of rejection are believed to be rendered moot thereby. Accordingly, reconsideration of the propriety of the rejection and withdrawal of the instant rejection of the claims under 35 USC 102(b) is respectfully requested.

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*Regarding the rejection of claim 6 under 35 USC 102(b) as allegedly being anticipated by McManus when taken with U.S. Patent No. 4643898 to Peters et al. (hereinafter "Peters"):*

Applicants traverse the Examiner's rejection of claim 6 as allegedly being anticipated by McManus and Peters. The objected to claim has been cancelled, and thus the current grounds of rejection are believed to be rendered moot thereby. Accordingly, reconsideration of the propriety of the rejection and withdrawal of the instant rejection of the claims under 35 USC 102(b) is respectfully requested.

*Regarding the rejection of claim 5 under 35 USC 103(a) as allegedly being unpatentable over McManus in view of U.S. Patent No. 2,806,842 to Gerecht et al. (hereinafter "Gerecht"):*

Applicants traverse the Examiner's rejection of claim 5 as allegedly being unpatentable over McManus and Gerecht. The objected to claim has been cancelled, and thus the current grounds of rejection are believed to be rendered moot thereby. Accordingly, reconsideration of the propriety of the rejection and withdrawal of the instant rejection of the claims under 35 USC 102(b) is respectfully requested.

Should the Examiner in charge of this application believe that telephonic communication with the undersigned would meaningfully advance the prosecution of this application, they are invited to call the undersigned at their earliest convenience.

The early issuance of a *Notice of Allowability* is solicited.

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**CONDITIONAL AUTHORIZATION FOR FEES**

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

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05 October 2009

Date:

**CERTIFICATE OF TELEFAX TRANSMISSION UNDER 37 CFR 1.8**

I certify that this document, and any attachments thereto, addressed to the:  
"Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" is being  
telefax transmitted to (571) 273-8300 at the United States Patent and Trademark Office.

Allyson Ross  
Allyson Ross

05 October 2009

Date

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